

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARCHIE R. HUTCHINSON, JR.,

Plaintiff,

vs.

JOHN S. RUBITSCHUN, et al.,

Defendants.

Case No. 1:05-cv-825

Hon. Gordon J. Quist

ORDER

Pro se plaintiff has filed a civil rights complaint pursuant to 42 U.S.C. § 1983 seeking declaratory and injunctive relief. This matter is now before the court on plaintiff's "motion for immediate consideration" of his case (docket no. 24).

The local court rules provide that a party seeking relief in a motion may requested expedited consideration by the court "[w]here the relief requested . . . may be rendered moot before the motion is briefed." *See* W.D. Mich. LCivR 7.1(e). Plaintiff, however, has not filed such a motion, but is asking the court to reach an immediate decision in his case. By its very nature, plaintiff's suit is not subject to immediate consideration.

In addition, plaintiff's own actions have delayed the progress of the case. Defendants filed a motion for summary judgment on March 9, 2006. Plaintiff did not respond to this motion. On May 5, 2006, the court entered an order to show cause why this case should not be dismissed for lack of prosecution or for failure to comply with the local court rules. Plaintiff subsequently filed a response on May 26, 2006. Defendants' motion for summary judgment is currently under

consideration by the court. Once the motion is resolved, plaintiff's case will be set for trial as in all other civil rights suits pending before the court, assuming the action is not resolved on the motion.

Accordingly, the motion for "immediate consideration" is **DENIED**. Defendants' motion will be addressed and plaintiff's suit will proceed in due course, as promptly as the court can consider it.

IT IS SO ORDERED.

Dated: November 17, 2006

/s/ Hugh W. Brenneman, Jr.
Hugh W. Brenneman, Jr.
United States Magistrate Judge